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Attorneys for Defendant Homecomings Financial, LLC erroneously sued as
Homecomings Financial Network

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Rosa Galindo; Maria Galindo,

Plaintiffs,

vs.

Financo Financial, Inc.; Patrick
Patchin; Ahmed Yama Asefi; Aaroon
Sadat and Nazia Nawabzada;
Countrywide Bank, N.A.;
Countrywide Financial Corp.;
Homecomings Financial Network;
Commonwealth Land Title Company;
Joseph Esquivel; Pamela Spikes; and
Does 1-100,

Defendants.

Case No. 3:07-CV-3991 MHP

**RE-NOTICE OF HEARING BEFORE
JUDGE PATEL ON DEFENDANT
HOMECOMINGS FINANCIAL,
LLC'S MOTION TO DISMISS
CLAIMS IN PLAINTIFFS' SECOND
AMENDED COMPLAINT**

[RULE 12(b)(6)]

DATE: April 14, 2008
TIME: 2:00 pm
PLACE: Courtroom 15

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on April 14, 2008, at 2:00 p.m., or as soon
thereafter as the matter may be heard before Judge Marilyn H. Patel at the United
States District Court, Northern District of California, located at 450 Golden Gate
Avenue, San Francisco, California 94102, Defendant Homecomings Financial, LLC
erroneously sued as Homecomings Financial Network ("Homecomings") will, and
hereby does, move to dismiss the 1) Second Claim for Negligence; 2) Third Claim
for violation of the Truth In Lending Act ("TILA"); 3) Fourth Claim for violation of

1 the Real Estate Settlement Procedures Act (“RESPA”); 4) Ninth Cause of Action for
 2 Violation of the California Consumers Legal Remedies Act (“CLRA”); and 5)
 3 Twelfth Claim for Civil Conspiracy from Plaintiffs Rosa and Maria Galindo’s
 4 Second Amended Complaint.

5 This motion is made pursuant to RULE 12(b)(6) of the FEDERAL RULES OF
 6 CIVIL PROCEDURE because Plaintiffs’: 1) Second Claim for Negligence; 2) Third
 7 Claim for violation of TILA; 3) Fourth Claim for violation of RESPA; 4) Ninth
 8 Cause of Action for Violation of CLRA; and 5) Twelfth Claim for Civil Conspiracy
 9 fail to state facts upon which relief can be granted. Homecomings has filed its
 10 moving and reply papers and Plaintiffs have filed an opposition.

11 This motion is based upon this notice of motion and motion; the already filed
 12 memorandum of points and authorities and the reply papers; the request for judicial
 13 notice; the pleadings and papers on file in this action; and on such further oral and
 14 documentary evidence as may be presented at the hearing of this motion.

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 16 DATED: February 25, 2008

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 18 By /s/ Frederick A. Haist
 19 E. SCOTT PALMER
 20 FREDERICK A. HAIST
 21 PALMER, LOMBARDI & DONOHUE LLP
 22 Attorneys for Homecomings Financial, LLC
 23 erroneously sued as Homecomings Financial
 24 Network
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